

FARMINGTON CITY COUNCIL MEETING

Tuesday, July 17, 2007

CITY COUNCIL WORK SESSION

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, Assistant City Planner Jared Hall and City Recorder Margy Lomax

Mayor Harbertson began discussion at 6:10 P.M. and led a review of the agenda for the evening.

Agenda Item #4 -Consideration of Ordinance Amending 3-02-070 and 3-02-080 creating new Parks Leisure Services Department/Appointment of Neil Miller as Department Director

Mayor Harbertson said there is a policy decision made as to what name the newly created department should be called – either Parks & Leisure Services Department or Parks & Recreation. It was felt most people relate better to “Parks & Recreation”.

Neil Miller’s appointment as Director of the Department should take effect at the end of the workday on Friday, July 20, 2007 at 5:00 p.m. He is excited about this new position and so is the Public Works Department. The Council felt it was a good thing to promote from within the City. Because this position is a new one, a job description will need to be prepared and then it will need to be valued. Job classification will be done by a personnel specialist.

Agenda Item # 6 - Public Hearing: Consideration of Ordinance adopting changes to Title 11, Chapter 31, Flood Damage Prevention Ordinance to comply with Federal Regulations

An ordinance was passed by the City Council several weeks ago, but FEMA wanted additional changes added to it so that is why it is back on the agenda.

Agenda Item #7 - Discussion/Decision on location of new Police Station

Mayor Harbertson said the soils testing had been accomplished and the site next to the Weber Basin pumphouse had water on it when digging down 6-7 feet. The architects were concerned about liquifaction. To remediate the site by installing piers would cost approximately \$150,000. When doing the soils test at the Woodland Park site, they ran into rocks, but this site is a better location. The Police Station being located at this site will improve security in the Park. There is not enough parking to construct an amphitheater in the Park.

Agenda Item # 8 - Request for approval of new building elevations for North Phase of Farmington Crossing - Garbett Homes

The City Council did not approve of the look of the buildings at the last Council meeting, so developers are bringing new elevations for buildings to be constructed on the North Phase of Farmington Crossing.

Request for Final Plat Approval for Residential Phase II, Final (PUD) Master Plan/Planned Center Approval for The Village of Old Farm, and Consideration of Development Agreement - Gardner Development

There are still a number of issues that need to be resolved, such as the rental issue and the disposition of the historic old home located on the site. Staff has concerns with some of the conditions that have not been met, but doesn't want to hold up the developer. The Development Agreement, as has been prepared, covers the entire project – residential and commercial. The Master Plan covers only the residential while the Planned Center covers the commercial.

The City Manager asked the Council to consider if they want a connection between the residential portion of the development and the commercial area. Rick Dutson said he is not excited about having the road connect. The key issue for the commercial development is to gain access off of the frontage road. Paula Alder felt the development doesn't need the connection to make it residential; there are other ways to way it work.

The major issues in the Development Agreement are: lighting – how much decorative street lighting and who pays for it; responsibility of sidewalks, trees and maintenance of storm water detention basin. The City Manager suggested the developer should be given a credit on a monthly basis to maintain their storm water detention basin. Other issues are – culinary water, is it going to be individually metered? There is no mention of garbage collection in the agreement and a decision needs to be made on rental restrictions on the housing component. Such restrictions should be in the CC&R's.

Request for Approval for Granting Easement across City trail properties and Parcel 8H and consent to cross a conservation easement for a Weber Basin irrigation line - The Boyer Company

Developer did not know a Weber Basin water line was located on their property and dug into it and broke it. Now, it needs to be determined where is the most reasonable place to relocate the line and install it as soon as possible. Weber Basin Water through the developer is asking for an easement in two places on City trails property so the relocation can take place. The City Manager is recommending Council approval conditional upon review by the City Attorney.

Agenda Item #11 - Approval of Recommendation for Vacating Unused Bureau of Reclamation Easement in Spring Creek Subdivision/Further Discussion regarding Vacation of 1875 West Right-of-Way

_____ There are two motions that need to be considered on this agenda item. The first one involves authorizing a letter be sent to the Bureau of Reclamation requesting vacation of the easement in the Spring Creek Subdivision. Staff doesn't have any problem with this, because the easement is not needed by the City.

On the issue of the vacation of 1875 West right of way, the City Manager suggested the City sign a Quit-Claim Deed to the property owner for the full amount of footage, then the property owner gives a Warranty Deed back to the City sufficient so the City will have 11½ feet to preserve a right of way back of curb. The City doesn't need all of it. The two lots in question are double sided and there probably will be no sidewalk, plus there is a drop off. If the developer were to re-plate the subdivision, that process would take 4 to 6 weeks, and he does not want to do that. This was an error on the plat that was not caught when the subdivision plat was recorded. The plat should have been redrawn at that time.

Agenda Item # 12 - Review of Development Agreement for Farmington Hollow PUD - 1st Reading/Consideration of Road Alignment Elements for Development Master Plan - Woodside Farmington Hollow, LLC

Developer's representative was present and distributed packets of the Final Master Plan with all of the attachments. The City Manager pointed out there are a couple of issues that need to be considered as the Council looks at the site plan. The main road in the development needs to hook into the "road to the north". Right now it doesn't hook into Burke Lane. The Planning Commission insists that it should merge onto Burke Lane rather than have a stop sign. Staff thinks there is a better way to design the road to avoid wetlands in the area. The City Manager stated it is critical to get the right alignment now because in the long term it will have a great effect on the City. This connection is very important.

REGULAR CITY COUNCIL MEETING

PRESENT: Mayor Scott C. Harbertson, Council Members Richard Dutson, David Hale, Paula A. Alder, Sidney C. Young, City Manager Max Forbush, Assistant City Planner Jared Hall Paul Hirst, City Engineer, and City Recorder Margy Lomax. Also present were Jessica Mansell and Rebecca Banham of the Youth City Council.

Roll Call (Opening Comments/Invocation) Pledge of Allegiance

Mayor Harbertson called the meeting to order at 7:05 P.M. **Max Forbush**, City Manager,

offered the invocation. The Pledge of Allegiance was led by **Paula Alder**.

Presentation of Platforms by Miss Farmington, Whitney Dustin, and by Miss North Cottonwood, Breanne Patch

Mayor Harbertson introduced Whitney Dustin, Miss Farmington, and Breanne Patch, Miss North Cottonwood. He explained that both of them will be able to compete in the Miss Utah Pageant next spring.

Whitney Dustin addressed the Council explaining her platform as Miss Farmington is to help the Children's Miracle Network which is based in Salt Lake City. It donates funds to help children in need of medical care. She had a booth at Farmington Festival Days to raise money to donate to the Network. She plans on volunteering at Primary Children's Hospital, to educate children in the schools about proper eating habits and taking care of their bodies, plus she is going to organize concerts to be held at the Community Arts Center on a quarterly basis and donate the proceeds to the Children's Miracle Network.

Breanne Patch, Miss North Cottonwood, said she is excited for the opportunity to serve and plan of also helping the Children's Miracle Network, plus emphasizing and educating the public on the nobility of women and their roles. She feels like the role of women of being mothers and staying home to take care of their children is getting lost in today's society. She feels children are much better taken care of at home than at daycare or with nannies. She also feels pornography is a huge problem in society and wants to educate Jr. High students about its effects. Another area of her platform is going to be on etiquette and manners. She will be holding an etiquette dinner for mothers, fathers and daughters with the proceeds going to the Children Miracle Network.

Recognition of Viola Kinney as Farmington's Leisure Services Director for past 12 years

Mayor Harbertson expressed appreciation to Viola Kinney for her service as Farmington's Leisure Services Director for the past 12 years and presented her with a card and gift certificate. Viola is making a change in the direction of her career and is leaving the City's employment. He said a lot of things have come on board during her tenure with the City, for example, the swimming pool and the Community Arts Center. He complimented her on doing a wonderful job.

Max Forbush, City Manager also expressed appreciation and thanks stating Viola is a very capable person; that the Leisure Services Department has been brought from a part-time person to an expanded level of service. He complimented her on her management of City funds and staying within her budget. He acknowledged there has been a lot of pressure in her position and thanked her for her service to the City.

Consideration of Ordinance Amending 3-02-070 and 3-02-080 creating new Parks Leisure Services Department/Appointment of Neil Miller as Department Director

Mayor Harbertson reported the City is by ordinance creating a new Department by combining Leisure Services and Parks into one department. Discussion was held regarding what the new department should be named. Paula Alder suggested "Parks & Recreation" even though other cities do have Parks & Leisure Services departments.

Neil Miller, an employee of the City for the last 14 years over the Parks division, was introduced. Mayor Harbertson stated Neil has been selected to be the Director of the newly formed department. The City Manager expressed total confidence in Neil and the people who will be working with him. He said Neil has done a great job running the Parks division and knows he will do a wonderful job as the new Director. Mayor Harbertson feels the public will benefit from the organizational change.

Motion

Rick Dutson moved to approve Ordinance 2007-33 amending 3-02-070 and 3-02-080 which creates a new Parks/Leisure Services Department; to rename the Department from Leisure Services to "Parks & Recreation" and to appoint Neil Miller as the Department Director to be effective Friday, July 20, 2007, at 5:00 p.m. A second to the motion was made by **Sid Young**. The motion passed by all City Council Members voting in favor.

Planning Commission Report

_____ Jim Talbot, Planning Commission Chair, gave the Planning Commission report from their meeting held July 12, 2007.

Woodside Homes had appeared before the Commission requesting final plat approval for Phase 1 of the Farmington Hollow PUD Subdivision located at 1525 West Burke Lane. Their request was approved. The only issue the Planning Commission had was regarding the connection of the road.

Gardner Development had been on the agenda requesting a recommendation for final master plan approval for The Village at Old Farm located at 1600 North Main consisting of approximately 34 acres in the NMU Zone and for final plat approval for Phase 2 of the residential portion. Mr. Talbot reported the main issue discussed was the detention area. They felt all pertinent parties should get together and work it out. A couple of ponds to the north could accomplish the detention issue. The City Engineer, Paul Hirst, has given approval. The Planning Commission is recommending approval by the City Council.

A public hearing was held regarding a request by **Aaron Thatcher** for a recommendation for approval to record a metes & bounds subdivision for a lot split on property located at 1311 West 475 South. The Planning Commission didn't see any problem with this issue and recommends approval.

A recommendation for approval was given to **Rainey Homes** for a change of zoning from LR to AA on property located at approximately 1600 south & frontage road in Tuscan Village Subdivision.

A public hearing regarding America West Development's request for a change of zoning from A to TOD for 35 acres located at the southeast corner of Burke Lane and 1525 West and 15 acres located at the southwest corner of Clark Lane and 1100 West was continued to a future meeting.

Richmond American Homes received approval for temporary use allowing a temporary sales office in a model home on property in the AE Zone at 383 North 1875 West in the Spring Creek Subdivision. The Planning Commission asked them to pave the parking lot; they are limited on advertising; and have conditions placed on them. There was no time limit given.

Public Hearing: Consideration of Ordinance adopting changes to Title 11, Chapter 31, Flood Damage Prevention Ordinance to comply with Federal Regulations

A month or so ago the City Council adopted the Flood Damage Prevention Ordinance. FEMA is now requesting a few more changes be made to the City's ordinance to bring it into compliance with FEMA regulations. By adoption of the ordinance it qualifies the City to be able to receive funds in the event of an emergency. All of the changes/additions made to the previously-adopted ordinance were directed by FEMA and have been reviewed by the City Attorney.

Mayor Harbertson declared this hearing open for public comment. None was given after the opportunity for public comment was afforded.

Motion

David Hale moved to adopt Ordinance 2007-34 as indicated with the changes to Title 11, Chapter 31, Flood Damage Prevention Ordinance in order to comply with Federal regulations. **Paula Alder** seconded the motion. The motion passed with all City Council Members voting affirmatively.

Discussion/Decision on location of new Police Station

Mayor Harbertson reported soils testing had been done on the two sites being considered for construction of a new Police Station. One site is owned by Weber Basin and the other is

next to Woodland Park which is owned by the City. The geotechnical engineers performing the soils test ran into water at the Weber Basin site and are very concerned about the liquifaction factor at that location. The engineers estimated it would cost approximately \$150,000 to mitigate this location. At the Woodland Park site they ran into Farmington rock, but feel this location is better due to the mitigation factors at the Weber Basin site.

Paula Alder stated she doesn't love the Woodland Park site because it cuts into the Arts Council functions and others there. She wished there was a third site. She also stated the City should make sure the building is designed to meet the City's needs now and in the future so they don't have to move again.

Sid Young felt it is a good idea to have a discussion some time on the long-term plans for Woodland Park. What the Council wants to do with it.

Motion

A motion was made by **David Hale** to approve the Woodland Park site as the location for construction of the City's new Police Station and to instruct the City Manager to move ahead with the design work on it. The motion was seconded by **Sid Young** and passed by a unanimous vote in the affirmative by all Council Members.

Request for approval of new building elevations for North Phase of Farmington Crossing - Garbett Homes

_____ Bryson Garbett and Noel Ballsteadt of Garbett Homes and John Shirley of JSA Architects, were present to address the Council regarding new design elevations for the North Phase of Farmington Crossing.

_____ Mr. Ballsteadt said they had listened to the concerns of the Council from the previous City Council meeting regarding clutter, colors and roof lines of the buildings for the North Phase of Farmington Crossing and have new drawings to present for Council approval. A blow up of the courtyard was shown so the Council could see how it looked. Mr. Ballsteadt reported the colors chosen are the same ones which were already approved for the South Phase.

_____ John Shirley stated they have made changes from the plans presented previously to the Council. They are trying to create a product in the same price range as existing ones, but which has more interest. They don't want the same look duplicated over and over again. Each unit will have a different look, a common courtyard with a small village feeling. There will be a variation in pattern and details.

David Hale questioned how much parking would be available for homeowners and their guests. He said the City wants to make sure we don't have a complaint situation about parking. The size of the units range from 1100 sq. ft. to 1800 sq. ft. Young couples and singles are mainly the buyers and would typically have only two cars. Garage doors are eight feet.

Rick Dutson expressed concern about the colors of the units. He said the colors in the first phase were a little too vibrant. He felt the colors should be more subdued.

The Mayor and Council gave their suggestions and opinions regarding the design elevations. **Sid Young** expressed appreciation to the developers for being willing to work with the City.

_____ **David Hale** stated he would like to see the developer move ahead with plans for Spring Pond to make it more an ornamental pond rather than a fishery. He said he would like the City to work with the developer to make it a nice facility – an amenity to the development. Mr. Ballsteadt stated they will meet with Davis County to make a proposal to them.

Questions were raised regarding rental of units in the development. Mr. Ballsteadt said they have a higher rate of individual homeowners now. The Homeowners Association is holding people to the CC&R's. He said they intend to keep their commitment made to the City.

Mayor Harbertson expressed appreciation to the developer for working with the City. He stated he would feel more comfortable having an architectural committee review the design elevations before the Council takes action on the issue. The architectural review committee will meet on Wednesday, July 18, and then report back to the Council.

Request for Final Plat Approval for Residential Phase II, Final (PUD) Master Plan/ Planned Center Approval for The Village of Old Farm, and Consideration of Development Agreement - Gardner Development

_____ Mayor Harbertson reminded the Council the first reading of the Development Agreement had taken place at the last Council meeting. There are a few other conditions to include regarding maintenance items, plus a few housekeeping items to clarify. A review of the Development Agreement then followed.

The City Manager stated that if the project association is going to maintain the trees and sidewalks, then have the association take care of the lights and include both the residential and commercial property. Instead of having the lights as City street lights, the association would own and maintain them. The open space area is to be maintained by the association with the detention ponds being typically maintained by the City. It was clarified that individual meters will be used for water and each homeowner will have their individual garbage container.

Under Section 6-2-7 of the agreement, the developer is to delay construction of one of the dwellings. The City Council will identify one of the dwellings as the last one to be built. If the slip ramp is not approved, the commercial element of the project will probably not happen. Discussion followed on the traffic flow if the slip ramp does not happen. There might possibly be a light on Main Street, or a signal at Somerset and the Mountain Road. The City Council would have to re-address the whole issue if the planned commercial area does happen.

The issue of rentals in the CC&R's on page 7 of the agreement was discussed. Rental units are usually dictated by the lender. It was felt due to the price of units, it will not lend to a rental market. The cost per units are estimated to be around \$400,000 selling price. Mayor Harbertson didn't see the units being renting as an issue and suggested this paragraph be removed from the Development Agreement.

Rick Dutson questioned the termination date referred to on page 14 of the agreement. The City attorney will review this to ensure maintenance issues will run this the land.

Paula Alder questioned if the old Rose house had had an architecture review completed on it. The City Manager responded that it has.

The project will have a meandering sidewalk which will be sometimes against the curb. Paula Alder stated she prefers a park strip for safety reasons.

Sid Young stated there was one other issue to do with preliminary development plan approval conditions from the Planning Commission. One conditions talks about the northern portion of the development including a buffer that provides a residential feel along Main Street. He said the developer attempted to do that, but now plans on landscaping 150 - 160' deep with 75' at the narrowest rather than a residential buffer. Mr. Young recognized the developer had made an effort, but feels like this is as good as can be accomplished. He also referred to conditions of David Petersen's letter to Gardner Development dated July 16, 2007.

Motion

Sid Young moved that the Development Agreement be conceptually approved and that the Final Master Plan and Planned Center for The Village of Old Farm be approved and that the Phase II Subdivision final plat be approved conditioned or subject to the developer meeting all of the conditions of the July 16, 2007, letter addressed to the Planning Commission; the developer submitting and correcting the engineering drawings to the satisfaction of the City Engineer and staff; and subject to the Development Agreement being cleaned up with the "maintenance-type issues" that have been discussed; and subject to the approval of the City Attorney, the Mayor and staff; also to change the condition #12 of January 25, 2006, to a landscape buffer rather than a residential buffer along Main Street.

The motion was seconded by **David Hale** and passed with all Council Members voting in the affirmative.

Request for Approval for Granting Easement across City trail properties and Parcel 8H and consent to cross a conservation easement for a Weber Basin irrigation line - The Boyer Company

Mayor Harbertson explained that a Weber Basin irrigation line has to be moved because when developer was constructing and installing subsurface improvements in Phase 8 of Farmington Ranches, an 8-inch irrigation line was dug up. To relocate the line, it is necessary to make two crossings of a trail easement and one crossing of a parcel, which are owned by the City. The alignment of the irrigation line has been suggested by Weber Basin so that they can maintain their lines.

Motion

David Hale moved to grant approval of the easements across City property as indicated.

Paula Alder seconded the motion. The motion passed by a unanimous vote of all Council Members.

Approval of Recommendation for Vacating Unused Bureau of Reclamation Easement in Spring Creek Subdivision/Further Discussion regarding Vacation of 1875 West Right-of-Way

Mayor Harbertson reported the Bureau of Reclamation easement is not used by the City. It is of no benefit to the City. Staff is recommending vacation. In order for the vacation to occur, the City will need to write a letter to the Bureau of Reclamation recommending the vacation of the easement.

Motion

A motion was made by **Sid Young** to send a letter to the Bureau of Reclamation recommending the vacation of their unused easement and authorizing the Mayor to sign the same. The motion was seconded by **Paula Alder**. The motion passed by a unanimous affirmative vote.

The other issue under this agenda item, the vacation of 1875 West right of way had been discussed at the Council meeting last week. Mayor Harbertson stated that possibly the best way to handle the vacation is to have a Quit-Claim Deed drawn up for the City to vacate to the property owner, Howard Kent, the developer, and then at the same time have Mr. Kent do a Warranty Deed giving a small portion back to the City so that the City is able to maintain and have a 11 ½ foot right of way down through the street. Both of these deeds would be done simultaneously and recorded at the same time.

Motion

David Hale moved to accept and approve the alternative to prepare and sign a Quit-Claim Deed to vacate the right of way to the property owner, Howard Kent, and to receive a Warranty Deed back from him regarding the 11 ½ foot easement. Both deeds are to be recorded simultaneously. **Rick Dutson** seconded the motion and the motion passed with all Council Members voting affirmatively.

Review of Development Agreement for Farmington Hollow PUD - 1st Reading/Consideration of Road Alignment Elements for Development Master Plan - Woodside Farmington Hollow, LLC

Mayor Harbertson stated one of the issues to discuss is the “road to the north” or as shown by the developer as “Station Lane”. A decision needs to be made as to what to do there. The developer gave each of the Council Members elevations and site plans to review.

Thane Smith represented the developer. He gave a history of how they have arrived at the location for the road alignment as shown on their map. They started 1½ years ago proposing different alignments. At that time a “flyover” was proposed on the Master Transportation Plan for Shepard Lane. There have been different issues they have had to deal with such as wetlands, drainage problems, pooling of water and trying to keep water from migrating.

He said he thought it was the intention of the City to make a connection to Burke Lane onto 1525 West. He said David Petersen called him yesterday and told him to connect directly into Burke Lane instead of connecting at the higher point because of wetlands listed on historic maps. Mr. Smith said that there are lots of places, in fact almost all of west Farmington at one point or another is on the historic map as being under wetlands. They have met with the City and have tried to work out some drainage plans to keep water from migrating and pooling. There are three criteria for wetlands – soils, hydrology and vegetation. Their wetlands consultant told them that through proper water management with stopping the flood irrigation, as well as making sure the storm water is routed to the right ponds, it will be cleaned up and there won’t be wetlands in those areas.

As a condition of preliminary PUD approval, the developer is required “if necessary, to provide this connection to Burke Lane”. They want to provide the connection via 1525 West. If the road realignment stays to the north; it is about 325' North of that intersection right now. The design allows for a better traffic intersection for the short term than it would have connecting to Burke Lane. Their preference and recommendation for long-term and short-term functionality of this road is to leave the alignment where it is shown on their map. Their road alignment had to be tweaked very carefully to miss the wetlands because they could only impact up to one-half acre of wetlands without having to go through a public hearing process and receive a different permit from the Corps of Engineers.

Mayor Harbertson said the concern he has with the alignment shown is the fact that the wetlands where the connection would be made have not been delineated. Will the City be able to delineate those wetlands, or is the City going to be stuck with a “road to the north” which is going to be the City’s major collector through that area and will have a stop sign in the middle of it and will not work properly? He does not feel it is going to be easy to manage the water flow through the area.

The City Manager stated the location of the road has been a point of debate and a decision has never been made. There are rights-of-way issues to cross private property and a major concern of staff is: “How easy is it going to be to cross that area, that could be wetlands, how easy to get past the Corps of Engineers, and will that hold the City up with construction of the road?”

Paul Hirst stated that it would not be prudent for the City to stub a street into a wetland area.

David Hale stated people “down stream” have secondary water rights, such as Clark Water Company that sued the State and won. They said “anything that is left in the ditch is ours.” By containing water, there might be others down stream who have secondary rights to it. The City, by virtue of approving this alignment, would be liable.

The City Manager again stated his concern about the UDOT proposed Legacy North alignments that would take part of this subdivision. Woodside is developing and moving forward and getting their development approvals which is what they should be able to do. The concern he has is that the City needs to move forward as if this is going to develop as is proposed by Woodside this which means the road to the north has got to come off of Burke Lane. He felt like either alignment would work; it is just whether or not we could get across the pocket of wetlands and whether the property owners would work with the City to accommodate it. If the City could secure the right of way and the wetlands were not an issue, he didn’t think anyone would have a problem with it.

The City Manager stated both the City and the developer are in a “fix”, but we both do our best with what we know under existing conditions. He said David Petersen has a very good point to plan for the road in the most secure way possible so the connection is street-to-street instead of trying to cut across property that the City doesn’t own or control.

Paul Hirst said that the City is better off taking the existing alignment and widening it rather than creating a new alignment.

Thane Smith said they are willing to go back and look at a different alignment, but their first preference is to leave it the way it is. He said they have preliminary plat approval and were hoping to start construction the end of July or first part of August.

Mayor Harbertson asked Mr. Smith to go to the Corps with the alignment they have to see if they will grant permission for the road to continue through the wetland area. Mr. Smith responded that Mr. Hirst was right about the wetland area and without it being dried up, the Corps will claim

jurisdiction over it and not grant a permit. The Council felt they could not approve the alignment, because they would be approving something that would not work.

The City Manager suggested the possibility of a compromise where the road would just catch the northeast corner of the 1525 West/Burke Lane intersection to improve the angle of the proposed collector road as it connects to Burke Lane.

The Corps of Engineers has issued a permit to Woodside and they have a copy of Woodside's plans on file. If the alignment changes, they would have to go back to the Corps to show the new plan. The permit is for the entire site.

Rick Dutson asked if it would be possible for the developer to move forward if they got approval for the northern end of their development where the road isn't an issue. Mr. Smith responded that the lower portion is where the utilities are located – that's where the development should start.

The City Manager said the reason this issue is so important because it is the northern termini for the proposed "road to the north". He would like to see a couple of options to be reviewed by the City Engineer.

Thane Smith said they would go back and look at different alternatives and come up with a couple of other options in a few days if they are able to meet with the City Engineer.

Other items in the Development Agreement were briefly discussed. Rick Dutson questioned the last paragraph of (e) on page 3 regarding recessed garages. The paragraph does not explain how recessed they should be. He asked for staff input on this item that it ought to be identified what recessed means and to defer to staff for a recommendation. We don't want garages to be prominent.

The City Manager brought up a couple of other issues. The drainage areas, the trail through the hollow which will be deeded to the City, and the corridor of open space. He said staff will thoroughly review the Development Agreement and be in touch with the developer. A special City Council meeting will be held the end of July where these issues will be again considered.

Minute motion approving Summary Action list

A motion to approve the items of the Summary Action List was made by **Rick Dutson** and seconded by **Sid Young** and voted on unanimously in favor by all Council Members. The items are:

- Ratification of Approvals of Construction Bond Agreements previously signed by Mayor Harbertson.
- Assign Council Member Hale and Alysa Revell to interview Sarah Hill Pacheco to be a member of the Historic Preservation Commission and Downtown Master Plan

Revision Committee and to bring a recommendation back to the City Council.

Ordinance Amending Chapter 5-9 of the Farmington Municipal Code regarding the Telecommunications License Tax and related provisions

Mayor Harbertson stated this item to be considered is the result of the Legislature combining the cell phone tax to the telecommunications franchise tax; because of this action it is necessary to reduce the rate of the telecommunications license tax from 4% to 3.5% in order to make it revenue neutral. This compromised reduction occurred between the Utah League of Cities & Towns and the Legislature two years ago. This action would finalize the commitment made by the League.

Motion

Sid Young moved to approve the ordinance amending Title 5 Chapter 9 of the Farmington Municipal Code regarding the Telecommunications License Tax. **David Hale** seconded the motion. The motion passed with all Council Members voting in favor.

Approval of Legacy to North Legacy Connection Evaluation Study “Scope of Work” and Proposal submitted by Timothy J. Taylor of WCEC Engineers, Inc.

Mayor Harbertson stated that he and the City Manager and a Task Force Committee had met with Mr. Taylor and went over the scope of work with him – what the City would like him to evaluate, but there are really not a lot of options. It will probably take him through the end of August to complete his evaluation.

Motion

A motion was made by **Rick Dutson** to approve the Scope of Work letter and authorize the Mayor to sign the proposal with WCEC Engineers, Inc., specifically Tim Taylor, to study the Legacy to Legacy North connection. The motion was seconded by **Paula Alder**. The motion passed with all Council Members voting in favor.

Consulting Services Proposal for Leisure Services Function - Viola Kinney

Viola Kinney is terminating employment with the City as of July 20, 2007. She is proposing a consulting service to help with the transition of new leadership for the department. The cost of the service will be approximately \$750 for the two-month period. The compensation requested by Viola is for the City to pay for her cost of health insurance for two months.

Rick Dutson felt this was wise on the part of the City to have the continuity and made a motion to approve the proposal for consulting services with Viola Kinney. **David Hale** seconded the motion and the voting was unanimous in favor.

Mayor Harbertson's Report

Mayor Harbertson said he would like to set up a meeting with Council Members Paula Alder and Rick Dutson along with Neil Miller, Kathy Rodriguez, Shauna Wardoups, and members of the Festival Days Committee to do an evaluation of Festival Days. He wants to look at each and every activity and decide was it good? Was it successful? What can be done to improve next year's celebration?

He reported to the Council that CenterCal Properties did close on Monday, July 17, on the 62-acre parcel where Station Park development will be built. The property was owned by Rich Haws. CenterCal is hoping to have the development constructed by the end of 2009.

City Council Reports

Sid Young stated he feels a meeting should be held to discuss Woodland Park. In the past there have been a number of proposals for different improvements. He feels a clear vision is needed as to what could happen there.

One of the goals for the Strategic Plan is to amend the Parks & Recreation Plan. Input for the park would need to be obtained from Neil Miller and the Arts Council.

Motion

At 10:20 p.m. a motion to adjourn to a closed meeting to discuss acquisition of real property and to discuss strategy as it pertains to potential litigation was made by **Sid Young**. The motion was seconded by **Paula Alder**. The motion passed with Council Members Dutson, Hale, Young and Alder all voting in favor.

SWORN STATEMENT

I, Scott Harbertson, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.

Scott C. Harbertson, Mayor

A motion to go back into an open meeting was made by **David Hale** with a second by **Rick Dutson**. With Council Members Dutson, Hale, Young and Alder all voting in favor, the motion passed and the meeting was reconvened into an open meeting at 10:25 p.m.

Rick Dutson moved to engage either Allan Larson or Andrew Morse of the law firm of Snow, Christensen & Martineau, or Dennis Ferguson of the law firm of Williams & Hunt, to defend the City in pending litigation on the Miera claim. The motion was seconded by **Paula Alder**. The motion passed with all Council Members voting in favor.

There being no further business to come before the Council, the meeting was adjourned at 10:30 p.m. upon motion by **David Hale**.

Margy Lomax